

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

KIMBERLY OATNEAL,

Plaintiff,

CASE NO. 06-10985

-vs-

PAUL D. BORMAN
UNITED STATES DISTRICT JUDGE

JO ANNE B. BARNHART,
COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

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**ORDER (1) ACCEPTING MAGISTRATE JUDGE'S REPORT AND
RECOMMENDATION, (2) GRANTING DEFENDANT'S MOTION FOR
SUMMARY JUDGMENT; AND (3) DENYING PLAINTIFF'S
MOTION FOR SUMMARY JUDGMENT**

On July 24, 2006, the Magistrate Judge issued a Report and Recommendation ("R&R") recommending that this Court grant Defendant's Motion for Summary Judgment and deny Plaintiff's Motion for Summary Judgment. The Magistrate found that the Administrative Law Judge's ("ALJ") reliance on the findings of Drs. Tripp and Gordon, and the state agency consultant to conclude that Plaintiff is not disabled was reasonable. The Magistrate further determined that the hypothetical incorporating those findings constituted an accurate description of Plaintiff's limitations, and that the vocational expert's testimony in response to that hypothetical constitutes substantial evidence in support of the ALJ's determination that Plaintiff is not disabled.

Having considered the Magistrate's R&R,

IT IS ORDERED that (1) the Magistrate Judge's recommendation is adopted and

entered as the findings and conclusions of this Court; (2) Defendant's Motion for Summary Judgment is GRANTED; and (3) Plaintiff's Motion for Summary Judgment is DENIED.

s/Paul D. Borman

PAUL D. BORMAN

UNITED STATES DISTRICT JUDGE

Dated: August 31, 2006

CERTIFICATE OF SERVICE

Copies of this Order were served on the attorneys of record by electronic means or U.S. Mail on August 31, 2006.

s/Denise Goodine

Case Manager